IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 25249 of 2007(E)

PETITIONER:

K.S.JAYIN, S/O.K.C.SKARIA, AGE 44 YEARS
ASST.ENGINEER (CIVIL), K.S.E.B., NERIAMANGALAM EXTENSION SCHEME, THATTEKKANNI P.O., IDUKKI - 685 602,
RESIDING AT QUARTERS NO.C-24, KSEB COLONY,
KALLARKUTTY, ADIMALI (VIA), PIN - 685562.

BY ADV. SRI.P.P.JNANASEKHARAN

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER
(HUMAN RESOURCES MANAGEMENT)
K.S.E.B., VYDYUTHI BHAVANAM,
TRIVANDRUM.

3. SRI.C.A.PADMANABHAN,
ASST.EXECUTIVE ENGINEER,
GENERATION CIRCLE, K.S.E.B.,
MOOLAMATTOM, IDUKKI DISTRICT.

BY ADV. SRI. K.S. ANIL, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 25249 OF 2007

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Dated this the 17th day of September, 2007.

JUDGMENT

The essential grievance of the petitioner is in relation to Ext.P4 provisional seniority list of Engineering Graduates(Civil) in the Kerala State Electricity Board appointed against the quota of 10% reserved for in-service Engineering Graduates. According to the learned counsel for the petitioner, Ext.P4 seniority list was considered by this Court in O.P Nos. 15051/2000 and 3262/2001 vide Exts.P5 and P7. He further contends that this Court had declared the principle that in respect of persons who have been directly recruited to the post of Assistant Engineer against the 10% quota available to the engineering graduates, who are already in service, their date of first effective advise has to be treated as the basis for fixing the seniority of the direct recruits, in terms of Rule 27(c) of KS & SSR Part I.

2. Ext.P4 as such has not been set aside by this Court. Directions have been given in favour of the petitioners in the said

two writ petitions. In my opinion, it is essential that the Electricity Board finalises Ext.P4 list within a time frame and in doing so the board is bound to look into objections preferred by the petitioner and other aggrieved persons and also take note of Exts.P5 and P7 judgments and the law declared therein. Learned Standing Counsel for Electricity Board submits that Ext.P4 will be finalised in accordance with law, taking note of the observations contained in Exts.P5 and P7 as also the objections preferred by the aggrieved persons including that of the petitioner within a maximum period of six months from today. This submission is recorded.

3. Learned counsel for the petitioner submits that taking note of the directions contained in Exts.P5 and P7 judgments, certain similarly situated persons have been promoted by the Board as Assistant Executive Engineers with reference to the date of first effective advise. He prays that the petitioner be considered for provisional promotion in the meanwhile.

4. In the circumstances, the Chief Engineer, 2nd respondent, may look into Ext.P6 and take appropriate decision

with regard to the claim of the petitioner within a period of six weeks from the date of receipt of a copy of this judgment. He shall keep in mind the directions contained in Exts.P5 and P7 judgment. If the claim of the petitioner is found sustainable, then he may be given provisional promotion pending finalisation of Ext.P4 seniority list. Obviously all such promotions are to be reviewed and regularised after finalisation of Ext.P4 seniority list.

The writ petition is disposed of accordingly.

V. GIRI, JUDGE.

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